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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal corporation,

Defendant.

Case No. 3:20-cv- 00917-HZ

DECLARATION IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION

I, Thomas Dreier, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. I am one of the named-Plaintiffs, and proposed class representatives in this case. I make this declaration in support of Plaintiffs' motion for class certification.
3. I have been informed of the responsibilities of a class representative.
4. In general terms, I understand the claims in the case.

5. I attended protests between May and November 2020 in support of the Black Lives Matter movement. Between May 25, 2020 and November 15, 2020, I estimate I attended two to three protests per week for a total of at least 15 and up to 48 protests. I did not start attending protests until a month or two after George Floyd's death, as I was concerned about potential exposure to COVID-19.

6. I am concerned about the City's pattern and practice of harming police accountability protesters.

7. I am able and willing to serve as a class representative.

8. If appointed, I will stay informed and actively participate in the case. I will keep in contact with my lawyers. I will put the interests of the class first.

9. I have lived in Portland my entire life. I am a musician. During 2020, I played acoustic guitar and sang at protests both by myself and with a group called the Good Troubles.

10. During these protests, I have not thrown any objects, lit fires, or graffitied property, with the one exception: on a single occasion sometime between July and September 2020, I tossed a water bottle underhand over the fence in front of the federal courthouse. I did that to express my frustration with law enforcement's actions, and I did not intend to hit anyone with the bottle, and the bottle did not hit anyone. At all other times, I did not engage in anything beyond passive resistance.

11. On August 6, 2020, I attended a protest that ended at Ventura Park in Southeast Portland. That night, a riot van of Portland Police officers drove by me and other protesters who were just passively protesting the police and standing on the sidewalk. I was still on the sidewalk and playing my guitar when a PPB officer riding on the side of the riot van shot a 40 mm round at me, hitting the neck of my guitar. The officer shot at me just as the van was leaving. It appeared he shot at me as a parting blow. I was not throwing anything at police when they shot at me, and

I did not observe anyone near me throwing objects.

12. After police shot my guitar, I retreated into the park to a safe spot where I thought police wouldn't continue shooting at me. I recorded video of the damage to my guitar and recounted the incident on the video. The 40 mm impact round left green chalk on the neck of the guitar. I could not identify the specific officer who shot me, in part because officers concealed their identities, but I believe it was a PPB member.

13. On the evening of August 15, 2020 and into the early morning of August 16, I attended a protest that began at Laurelhurst Park. From there, protesters marched to the Penumbra Kelly Building. I stayed with the crowd of protesters in front of the building for at least two hours before Portland Police again shot a 40 mm round at me. I do not recall seeing protesters throw objects at the police that night or whether a sound truck gave orders to protesters.

14. That night, I saw a PPB officer approach a protester standing on the sidewalk before choking the protester with his hands and pushing him against a wall. The officer didn't seem to be going through the motions of arresting the protester, he seemed to just be brutalizing him. To protest that officer's actions, I casually strolled to about six feet from the officer and began to play the Woody Guthrie song, "All You Fascists Bound to Lose." The officer then turned his attention to me and ripped the guitar from my hands. The officer walked away with the guitar, and I followed him into the street, asking for the guitar back. Two other officers ordered me back onto the sidewalk, and I complied. When I got back on the sidewalk, a PPB officer shot me in the upper thigh with a 40 mm round. The impact round bounced between my thighs, bruising both of them. The impact round also left green chalk where it struck me. I collapsed to the ground on feeling the impact.

15. Below is a still from a video I recorded on August 6 that shows where the 40 mm hit the neck of my guitar:



16. Below are images of the bruising on my legs from the 40 mm round PPB fired at me on August 15. I took these images shortly after getting home from the protest on August 16:







17. From approximately June 2020 to September 2020, I was exposed to tear gas deployed by PPB on an average of at least once or twice per week. At each instance where PPB deployed tear gas, I was not engaged in any activity beyond passive resistance.

18. I estimate there are tens of thousands of people in the First Amendment class, based on my experience going to the protests.

19. I intend to continue protesting police violence and supporting the Black Lives Matter

movement. However, PPB's response to the protests was frightening, and it has impacted my mental health. I took days off from attending protests to recover because I could not face PPB's violence night after night. Witnessing PPB's violence has negatively impacted my ability to protest and exercise my First Amendment rights.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 18, 2022.

Thomas Dreier
Thomas Dreier (Jan 18, 2022 16:17 PST)
Thomas Drier